

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

July 16, 2013

Work Session 4:00 p.m. Policy Session 7:00 p.m.

Policy Session will begin directly after the RDA meeting scheduled at 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland (arrived 4:16 p.m.), Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Tippe Morlan, Planning Intern; Steve Olsen, Energy Department; Dave Norman, Assistant Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:04 p.m.

1. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

13B. Cedar Pass Ranch, Plat J Amended

Councilmember Burnham asked about the HOA vote approving a lot split for Cedar Pass Ranch, Plat J. She had heard that it was done improperly and was going to be re-voted. The applicant, Wendy Clegg, asked to speak to the Council. She said she and her husband and the other property owners had been careful to comply with all of the City and HOA requirements. Planning Director Steve Mumford explained to the Council that the question arose because some residents felt that the letter presenting the issue to the HOA was biased in favor of the applicants. Mr. Mumford said that the application meets City standards and was, in fact, very similar to lots located just down the street.

Councilmember Ochsenhirt asked if the applicants had been given any preferential treatment in the approval of this action. Mr. Mumford replied that the application was handled in compliance with standard City procedures.

16. Development Code Amendments

Tippe Morlan, Planning Intern, presented the proposed Development Code amendments. The first specified compliance with the International Fire Code, which states that the number of residential units in a one-access residential development shall not exceed 30.

The second amendment concerns minimum square footage in a home. The City's current Development Code requires two-story homes to have 200 square feet on the second floor. The amendment requires a minimum square footage without specifying square footage on the first and second floors.

The third amendment proposed a three-year limit on how long a home can be maintained in a residential subdivision as a model home. Councilmember Burnham asked if existing homes would

1 be “grandfathered” in. City Attorney Jeremy Cook said they would not. Councilmember
2 Steinkopf suggested that the time limit for model homes be two years, with the option of
3 requesting an extension.
4

5 Councilmember Ireland asked how many units were included in the Pony Express Townhomes.
6 Mr. Mumford said that if the development is more than 30 units, the developers may choose to
7 build 30 units, and build the rest when they build a secondary road.
8

9 Councilmember Steinkopf said model homes create parking problems because they don’t allow
10 parking in their parking lots. Mr. Mumford said there is no regulation specific to parking at model
11 homes. He said the City could look at parking on a case-by-case basis. Ms. Morlan pointed out
12 that the proposed amendment requires parking appropriate to a residential area.
13

14 Councilmember Painter asked for the definition of a single fire apparatus access road. Ms. Morlan
15 explained that it is any street that has only one way in and one way out for any houses. Mr.
16 Mumford added that the road must have an acceptable turnaround for a fire truck. Councilmember
17 Painter felt that was inadequate for safety. Councilmember Ochsenhirt felt that this amendment
18 balanced the interests of safety and development. Mr. Mumford said that the City will still require
19 stub roads that will connect to adjoining subdivisions, so secondary access will be available once
20 adjoining subdivisions are built.
21

22 21. The Ranches Master HOA Maintenance Agreement

23 Councilmember Painter had a strong concern with watering between 7:00 a.m. and 9:00 a.m.
24 There’s heavy traffic on Ranches Parkway then and water gets on passing cars. He asked that
25 Ranches Parkway not be watered during those hours. Brian Haskell, The Ranches HOA President,
26 explained that the HOA manages so many sprinkler heads and timers that he’s not sure they can
27 make that change. He said that the agreement being discussed is about the maintenance of the
28 parkways and the water allocation, not watering times.
29

30 Mr. Haskell explained that the current system requires manual control of numerous timers. A
31 more efficient system would allow automatic control of the timers, but the cost of a new system is
32 prohibitive. Chris Trusty, Public Works Director, said that the estimate he was given for an
33 automated system was \$750,000.
34

35 Councilmember Burnham asked if it would be less expensive to level the berms than to replace the
36 sprinkler systems. Mr. Trusty said leveling the berms wouldn’t help enough to be worth the cost.
37

38 Councilmember Ireland asked how much damage running water does to a road surface. Mr. Trusty
39 said water damage to a road is primarily from seepage that affects the sub-base. He asked why the
40 parkways are watered starting in April. Mr. Trusty responded that it takes about two weeks to turn
41 the system on and do maintenance.
42

43 2. PRESENTATION – Oquirrh Wood Ranch (*Presented by Nate Shipp*)

44

45 Nate Shipp of DAI presented a report on the status of the development agreement area of the Pole
46 Canyon annexation. DAI would like to start construction on the first phase of the single family
47 residential development. Mr. Shipp discussed the existing and planned site utilities, as well as
48 future construction plans. He emphasized that economic development in the location is a priority.
49 The biggest stumbling block is lack of available power facilities.
50

After Mr. Shipp's presentation, Mayor Jackson announced that Jessica Alvarez has earned the Professional in Human Resources certification from the Human Resources Certification Institute.

3. PRESENTATIONS (*Presented by Cody Deeter*)

- A. Water & Sewer Rate Analysis
- B. Gas & Electric Bond Refunding
- C. 2000-1 SID Refunding

Cody Deeter of Lewis Young Robertson & Burningham presented two scenarios for water and sewer rates, based on their recent rate analysis. He recommended that rates be increased 2.5% annually to cover operational costs increases due to inflation. Alternatively, the City could raise rates 7.5% for 2014 and 2015, followed by the annual 2.5% inflationary increase. He recommended that North Service Area sewer rate be increased over five years, following which the North and South Service Area sewer rates should be consolidated into one rate.

Mr. Deeter recommended that the gas and electric bonds be refunded (refinanced), which will save the City interest costs. He also recommended that the SID 2000-1 assessment bonds be refunded for the same reason.

4. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

- A. Emergency Repairs for Well #5

5. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

MOTION: *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:32 p.m.

A Redevelopment Agency meeting was held between the Work Session and the Policy Session.

POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Tippe Morlan, Planning Intern; Steve Olsen, Energy Department; Dave

1 Norman, Assistant Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public
2 Information Director; Eric McDowell, Sheriff's Deputy.

3
4 6. CALL TO ORDER

5
6 Mayor Jackson called the meeting to order at 7:29 p.m.

7
8 7. PLEDGE OF ALLEGIANCE

9
10 Nathan Ochsenhirt led the Pledge of Allegiance.

11
12 8. INFORMATION ITEMS/UPCOMING EVENTS

- 13
- 14 • **Eagle Mountain Blvd. closure** -- Staker Parson will be doing road work on Eagle
15 Mountain Blvd on Wednesday, July 17 and Thursday, July 18. The road will be closed
16 from Pony Express to SR-73 from approximately 8 a.m. to 5 p.m. for those two days to
17 accommodate the work. Thanks for your patience while this improvement is made.
 - 18 • **Citizen satisfaction survey** -- Eagle Mountain City invites you to participate in our annual
19 citizen satisfaction survey, available on the City website, News section, through July 31.
20 The survey is being conducted by students from BYU's Romney Institute of Management
21 and should take about 10-15 minutes to complete. Upon completion of the survey,
22 participants will have the opportunity to enter a drawing (entry not tied to survey
23 responses), and three winners will be selected for a credit of \$100, \$75, or \$50 on your
24 utility bill.
 - 25 • **I-15 construction** -- The Utah Department of Transportation (UDOT) will be completing
26 bridge maintenance on Interstate 15 at various locations between Lehi Main Street and
27 2100 North. During construction, I-15 will be reduced to two lanes. To minimize traffic
28 delays, the work is scheduled to take place on weekends (excluding holidays and BYU
29 football home game days).
 - 30 • Work is scheduled through September. Lane closures on I-15 are scheduled to begin at 8
31 p.m. each Friday and continue through 6 a.m. the following Monday. In addition, the I-15
32 northbound on-ramp and southbound off-ramp at Lehi Main Street are scheduled to close
33 for two weekends in mid- to late August.
 - 34 • Drivers should plan ahead for potentially heavy traffic delays by allowing extra travel time
35 and using alternate routes to avoid the work zone.
 - 36 • **Fireworks restrictions** – Fireworks restrictions will again be in place during the holiday
37 period July 21-27. If you are unaware of the restricted areas, please visit the City website,
38 News section.
 - 39 • **Early voting** – Early voting begins at 7:30 a.m. on Tuesday, July 30 and extends to August
40 9, 2013.
- 41

42 9. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns
43 and comments. *(Please limit your comments to three minutes each.)*

44
45 Danielle Palmer of the Crossroads Journal announced the candidates' debates. On July 31, the
46 City Council candidates will debate. On August 8, the mayoral candidates will debate.
47

1 Marianne Smith commented on the intersection of Lake Mountain Road and Pony Express
2 Parkway. She asked if a sign could be placed on the west side of Pony Express Parkway indicating
3 Lake Mountain Road.

4
5 Mayor Jackson read a comment from Luke Pannell. He thanked the City for addressing street
6 storm drain cleaning. He asked that, prior to annexing additional land tonight, the Council
7 remember areas that have already been annexed.

- 8
9 10. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to
10 make comments. *(Comments are limited to three minutes each.)*

11
12 Councilmember Steinkopf

13 Councilmember Steinkopf thanked the audience for attending the meeting and thanked those who
14 volunteer for being willing to help.

15
16 Councilmember Painter

17 No comment.

18
19 Councilmember Ochsenhirt

20 Councilmember Ochsenhirt said it was great to see people coming out tonight, including the City's
21 neighbors to the west.

22
23 Councilmember Ireland

24 No comment.

25
26 Councilmember Burnham

27 Councilmember Burnham thanked everyone at the meeting and thanked everyone who is running
28 for City office. She said that so far the campaign has been good. She would like Eagle Mountain
29 to lose its negative reputation.

30
31 Mayor Jackson

32 No comment.

33
34 11. APPOINTMENTS

35 A. Cemetery Board

- 36 i. Bob Hill – term ending December 2015
37 ii. Wendy Lojik – term ending December 2015
38 iii. Tonette Roberts – term ending December 2014

39
40 B. Senior Advisory Board

- 41 i. Mary Kaufman – term ending December 2017
42 ii. Joye Roberts – term ending December 2017
43 iii. Marilyn Sanford – term ending December 2016

44
45 **MOTION:** *Councilmember Ochsenhirt moved to approve the appointments as indicated.*
46 *Councilmember Steinkopf seconded the motion. Those voting aye: Donna*
47 *Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.*
48 *The motion passed with a unanimous vote.*
49

1 The oath of office was administered to Mr. Hill, Ms. Joye Roberts, Ms. Sanford and Ms. Kaufman
2 by City Recorder Fionnuala Kofoed. The others were unable to attend the meeting and will
3 receive the oath of office at another time.

4 5 **CONSENT AGENDA**

6 7 12. MINUTES

- 8 A. June 18, 2013 – Regular City Council Meeting
9

10 13. FINAL PLATS

- 11 A. Porter's Crossing Town Center Church, Final Plat
12 B. Cedar Pass Ranch, Plat J Amended
13 C. Hidden Hollow Phase A, Plat 1
14

15 14. REVISED BOND

- 16 A. SilverLake Plat 8
17

18 15. FINAL PAYMENTS

- 19 A. 2012 North Substation Circuit Breaker Upgrade – Rhet Marsing Enterprises
20 B. 2012 South Substation Circuit Breaker Upgrade – Rhet Marsing Enterprises
21

22 **MOTION:** *Councilmember Painter moved to approve the Consent Agenda. Councilmember*
23 *Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan*
24 *Ireland, John Painter and Richard Steinkopf. The motion passed with a*
25 *unanimous vote.*
26

27 **SCHEDULED ITEMS**

28 29 **PUBLIC HEARING**

30 16. ORDINANCE – Consideration and Approval of Development Code Amendments.

- 31 A. 16.35.070 Development Standards for Required Public Facilities, clarifying that in
32 accordance with the International Fire Code, the number of residential lots or units in a one-
33 access residential development shall not exceed 30.
34 B. 17.25 Residential Zone, modifying the minimum dwelling size standards in Base Density,
35 Tier I, and Tier II developments to a total minimum finished square footage.
36 C. 17.75 Standards for Special Uses, instituting a time limit on the duration of model homes.
37

38 This item was presented by Planning Intern Tippe Morlan. The proposed amendment brings the
39 City Code in line with the International Fire Code. The City Code currently prohibits more than
40 15 homes on a one-access road. The Fire Code allows up to 30 homes on a one-access road.
41

42 The second amendment removes a minimum requirement for second story square footage. Instead,
43 it specifies a total minimum square footage of 1600 square feet.
44

45 Councilmember Burnham said it seemed to her that there are houses in the City that are smaller
46 than 1600 square feet. Councilmember Ireland asked how the Planning Dept. came up with that
47 number. Mr. Mumford said that even the smallest homes in the City measure 1600 square feet,
48 with an additional 400 square foot garage. This regulation will not apply to cluster homes, which
49 are allowed to be smaller.
50

Councilmember Steinkopf asked if a bonus room should be counted as living space. Building Official Kent Partridge replied that any finished area is counted as living space.

Mr. Mumford pointed out that many cities don't have a minimum house size standard. Eagle Mountain could remove this section from the Code entirely.

Mayor Jackson opened the public hearing at 8:00 p.m. As there were no comments, she closed the hearing.

Councilmember Ireland clarified that this would eliminate the requirement for garages, too.

Councilmember Steinkopf wanted the Council to be sure and include a clear standard.

Councilmember Ochsenhirt felt that the City has plenty of standards in place, and a minimum home size isn't necessary.

Councilmember Steinkopf brought up the time limit for model homes. He felt that two years is reasonable, since the builder has the option of requesting an extension. Mayor Jackson pointed out that the motion on the table contains the three-year time limit.

MOTION: *Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah, amending sections 16.35.070 and 17.75 of the Development Code and removing sections 17.25.110G, 17.25.120H & 17.25.130G. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and John Painter. Those voting no: Richard Steinkopf. The motion passed with a vote of 4:1.*

Section 16.35.070 increases the number of homes on one-access roads, putting the City in compliance with the International Fire Code. It is amended to say: "One-Access Roads. The number of dwelling units on a single fire apparatus access road shall not exceed 30. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads."

Sections 17.25.110G, 17.25.120H & 17.25.130G, regarding minimum home sizes in base density, tier 1 and tier 2 residential standards, are removed. A minimum home size is no longer required by City Code.

Section 17.75.040 limits the amount of time a model home can exist to three years. It is amended to say: "A subdivision may have multiple model homes which contain sales offices. The temporary sales office must be removed from a model home when the subdivision is more than eighty (80) percent developed or has been occupied as a temporary sales office for three (3) years, whichever occurs first. Time extensions may be considered by the planning director on a case-by-case basis, depending on the impact on existing dwellings in the development, the suitability of the office in a residential area, and traffic flow generated by the temporary sales office. A temporary sales office or model home may not be used as a general real estate office, a construction management office, or an off-site sales office."

17. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Approving an Interlocal Cooperation Agreement with the Redevelopment Agency of Eagle Mountain City for the Parkside Community Development Area.

1
2 The proposed resolution approves an interlocal agreement between Eagle Mountain city and the
3 Redevelopment Agency for the Parkside Community Development Area. With this agreement,
4 Eagle Mountain City would remit to the Agency a portion of the property tax increment generated
5 within the Parkside Community Development Project Area to encourage development activities
6 that would benefit the project area.
7

8 **MOTION:** *Councilmember Painter moved to adopt a resolution of Eagle Mountain City, Utah,*
9 *approving an interlocal cooperation agreement with the Redevelopment Agency of*
10 *Eagle Mountain City for the Parkside Community Development Area.*
11 *Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna*
12 *Burnham, Nathan Ochsenhirt, John Painter and Richard Steinkopf. Those voting*
13 *no: Ryan Ireland. The motion passed with a vote of 4:1.*
14

15 18. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah,
16 Annexing an Area of Approximately 223 Acres Commonly Known as the Hindley Annexation.
17

18 This item was presented by City Recorder Fionnuala Kofoed. A petition for the Hindley
19 Annexation was submitted to the Recorder's Office on March 13, 2013. The annexation is
20 approximately 223 acres and is located directly west of the North Ranch subdivision and north of
21 the recent Clearview Estates Annexation. The annexation was certified by the Recorder's Office
22 on May 2, 2013. The 30-day protest period has run and no protests to the annexation were
23 received. The City Council tabled the annexation after a public hearing at its June 18th meeting.
24

25 Mayor Jackson invited the applicant, Scott Hazard, up to answer questions.
26

27 Councilmember Ireland said that he would like to couple the annexation with a master
28 development agreement that sets density for the project. Mr. Hazard pointed out that annexation is
29 an expensive process, as is a master development agreement. He said this parcel of land is entirely
30 compliant with the annexation policy plan.
31

32 Councilmember Ireland agreed that this land should be in the City, but he was uncomfortable with
33 annexing land without knowing how it will be used.
34

35 **MOTION:** *Councilmember Ireland moved to adopt an ordinance of Eagle Mountain City,*
36 *Utah, annexing an area of approximately 223 acres commonly known as the*
37 *Hindley Annexation. Councilmember Ochsenhirt seconded the motion.*
38

39 Councilmember Painter was concerned about the City's development of areas at its borders, but
40 failure to develop its central core.
41

42 Councilmember Ochsenhirt agreed with Councilmember Painter, but felt that it made sense at this
43 point to annex this parcel.
44

45 *Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John*
46 *Painter and Richard Steinkopf. The motion passed with a unanimous vote.*
47

48 19. AGREEMENT – Consideration and Approval of a Reimbursement Agreement with SITLA for the
49 Mid Valley Road.
50

1 This item was presented by Public Works Director Chris Trusty. This agreement details the terms
2 of a reimbursement agreement with SITLA for the Mid Valley Road completion project. The City
3 will manage the project to install a deceleration lane for southbound traffic, and a passing lane for
4 northbound traffic to accommodate access to the new middle school. SITLA will finance the
5 improvements.
6

7 **MOTION:** *Councilmember Ireland moved to approve a reimbursement agreement with SITLA*
8 *for the Mid Valley Road completion project, with an amended Exhibit A, and*
9 *authorize the Mayor to sign the contract. Councilmember Ochsenhirt seconded the*
10 *motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt,*
11 *John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*
12

13 20. BID AWARD – Consideration and Award of Bid to Staker Parson for the Mid Valley Road
14 Completion.
15

16 This item was presented by Public Works Director Chris Trusty. The proposed bid is for the
17 construction of a deceleration lane for southbound traffic, and a passing lane for northbound traffic
18 at the access to the new Frontier Middle School at Mid Valley.
19

20 **MOTION:** *Councilmember Ireland moved to approve an award of bid to Staker Parson for the*
21 *Mid Valley Road completion project and authorize the Mayor to sign the contract.*
22 *Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna*
23 *Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.*
24 *The motion passed with a unanimous vote.*
25

26 21. AGREEMENT – Consideration and Approval of an Amendment to The Ranches Master Home
27 Owners Association (HOA) Maintenance Agreement.
28

29 This item was presented by Public Works Director Chris Trusty. Eagle Mountain City entered into
30 a landscape agreement with The Ranches Master HOA to maintain Ranches Parkway and Pony
31 Express Parkway. This proposal clarifies the terms of the original agreement. This item was
32 tabled from the May 21, 2013 meeting.
33

34 Mayor Jackson asked Mr. Trusty how the responsibilities will be divided between the HOA and
35 the City. Mr. Trusty said that the City will be responsible for maintaining large water lines and
36 repairing or replacing large playground equipment. The HOA will be responsible for maintaining
37 smaller irrigation lines, pipes and sprinkler heads, annual maintenance of playground equipment,
38 and informing the City when the playground equipment needs to be repaired or replaced.
39 Mayor Jackson said that the agreement must comply with the City's ordinance prohibiting
40 watering between 10:00 a.m. and 6:00 p.m., except when needed for new seed or sod.
41

42 She asked Mr. Trusty how much it would cost for the City to take over the work encompassed by
43 this agreement. Mr. Trusty responded that it would cost approximately \$170,000 per year to add it
44 to the contract with Elite Grounds, in addition to paying a full-time employee to maintain the
45 sprinkler heads.
46

47 Mr. Haskell detailed the complications of running the irrigation system, which has nearly 1000
48 valves and 500 timers. Many of the timers are battery-operated. The watering schedule could be
49 improved by adding more timers, but the system won't support them.
50

Mayor Jackson noted that residents ask why the system can't be turned off during rainstorms. Mr. Haskell said manual shutdown of the system takes weeks, and there's no automatic shutdown. Portions of the system could be shut down manually.

Councilmember Ochsenhirt said the core problem is too much need for water on medians. Some of the grass needs to be replaced with xeriscape.

MOTION: *Councilmember Ireland moved to approve an amendment to The Ranches Master Home Owners Association (HOA) maintenance agreement, modifying exhibit 1 from 6.5 months to 5.5 months, making the total water allocation 50,347,946 gallons per season. Councilmember Ochsenhirt seconded the motion.*

Councilmember Ireland felt that it is important to review the agreement every year. He wanted Mr. Haskell and a member of the HOA Board to attend a Work Session every year to discuss how the City and the HOA can work together to improve the City, and how well the agreement is working.

Councilmember Ochsenhirt suggested that the system be updated in stages.

Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with a vote of 4:1.

22. MOTION – Consideration and Appointment of Poll Workers for the 2013 Primary & General Municipal Elections in Eagle Mountain City.

This item was presented by City Recorder Fionnuala Kofoed. In accordance with Utah Code, the City Recorder will present the City Council with a list of recommended individuals to serve as poll workers for the 2013 Primary & General Municipal Elections. [UCA 20A-5-602(1)(a)]

Councilmember Burnham asked if Ms. Kofoed screens for campaign managers applying to be poll workers. Ms. Kofoed said that the questions on the application are based on state statute, and campaign management isn't mentioned. She didn't know of a campaign manager ever applying to be a poll worker.

MOTION: *Councilmember Painter moved to appoint poll workers for the 2013 Primary & General Municipal Elections in Eagle Mountain City. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt; John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

23. AGREEMENT – Consideration and Approval of an Addendum to the Agreement with Niels Fugal Sons Company, LLC for the Installation of Underground Gas Laterals.

BACKGROUND: *(Presented by Steve Olsen)* The contract with Niels Fugal Sons Company for the installation of underground gas laterals has expired. The contractor requested a substantial price increase to renew the existing contract. The project was advertised recently, however no bids were received. Staff intends re-advertise in an attempt to receive some bids but it is anticipated that it will take at least 4 to 6 weeks before this process can be completed. In the interim, staff recommends that the addendum be approved, at the new rate, until a new contract can be awarded.

1
2 *This item was removed from the agenda.*
3

4 24. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah,
5 Amending the Policies and Procedures Manual.
6

7 This item was presented by Assistant City Administrator Jason Walker. The Policies and
8 Procedures Manual is being updated to bring the manual into compliance with new legislation; to
9 reflect the disbanding of the Eagle Mountain Fire Department; and to fix or clarify other policies
10 outlined in the manual.
11

12 Councilmember Burnham asked about the removal of the English-only requirement for employees.
13 Mr. Walker said the requirement has been found to be illegal by the courts. The City will handle
14 any problems with this on an individual basis.
15

16 Councilmember Painter asked if the City has to be in complete compliance with the Utah Clean
17 Air Act, which prohibits electronic cigarettes. City Attorney Jeremy Cook said it does.
18

19 **MOTION:** *Councilmember Ireland moved to adopt a resolution of Eagle Mountain City, Utah,*
20 *amending the Policies and Procedures Manual. Councilmember Burnham*
21 *seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan*
22 *Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a*
23 *unanimous vote.*
24

25 The complete list of changes is as follows:
26

- 27 • Removal of language pertaining to Eagle Mountain City Fire Department (now under UFA
28 control).
- 29 • Adding language reflecting the City ordinance that classifies full-time and part-time elected
30 officials
- 31 • Amending the work week schedule to reflect the 5-day week that the City now maintains.
- 32 • Removal of mandate that employees speak only in English while at work.
- 33 • Amendment to the “no smoking” policy to include e-cigarettes, per the Utah Clean Air Act.
- 34 • Amendment to the leave policy which eliminates the distinction between sick leave and long-
35 term sick leave. It is proposed that it all be considered sick leave from this time forward.
- 36 • Clarifies that funeral leave shall be taken as consecutive days.
- 37 • States that multiple employees traveling on City business to the same place shall have their
38 own hotel rooms, unless the employees expressly choose to share a room.
- 39 • Amendment stating that the City will pay the cost of economy class airfare rather than business
40 class airfare.
41

42 25. BID AWARD – Consideration and Award of Bid to Niels Fugal Sons Company, LLC for the 2013
43 Electric Main Feeders and Gas Lines Construction Project.
44

45 The proposed bid is for utility capacity upgrades for SilverLake Plat 8, Kiowa Valley and SR 73,
46 to accommodate current and future development in those areas.
47

48 **MOTION:** *Councilmember Ochsenhirt moved to approve an award of bid to Niels Fugal Sons*
49 *Company, LLC for the 2013 Electric Main Feeders and Gas Lines Construction*

Project and authorize the Mayor to sign the contract. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt; John Painter and Richard Steinkopf. The motion passed with a unanimous vote.

26. BID AWARD –Consideration and Award of Bid to Codale Electric Supply, Inc. for Electric Materials for the Kiowa Valley Capacity Upgrade.

The proposed bid is for electric materials to complete the Kiowa Valley Capacity Upgrade.

MOTION: *Councilmember Ochsenhirt moved to approve an award of bid to Codale Electric Supply, Inc. for electric materials for the Kiowa Valley capacity upgrade and authorize the Mayor to sign the contract. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt; John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

27. CITY COUNCIL/MAYOR’S BUSINESS – This time is set aside for the City Council’s and Mayor’s comments on City business.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Steinkopf

Councilmember Steinkopf said the Parks & Recreation Board wants to make a presentation at the next City Council meeting on the Adopt-A-Park program.

Councilmember Painter

Councilmember Painter

Councilmember Ochsenhirt

Councilmember Ochsenhirt said the Economic Development Board will meet tomorrow night.

Mayor Jackson

Mayor Jackson

28. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

29. COMMUNICATION ITEMS

- a. Upcoming Agenda Items
- b. Financial Report

30. ADJOURNMENT

MOTION: *Councilmember Ochsenhirt moved to adjourn the meeting at 9:05 p.m. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham,*

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Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.